UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
PEACHES, RANDY

ART UNIT	PAPER NUMBER
2686	.

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/880,630	LEASON, DAVID
	Examiner	Art Unit	
	Randy Peaches	2686	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 January 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _13 and 22-33_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _13 and 22-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

1/10/2005 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   ***Claims 13, 22-31 and 33*** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Weber et al (U.S. Patent Number 6,343,212) in view of Sawanda

(U.S. Patent Number 6,421,544 B1).

Regarding ***claim 13***, Weber et al discloses, a said mobile terminal, which reads on

claimed "electronic device", of the type which alerts a user to an incoming call, which

reads on claimed "message", by connecting an alert signal to a pre-selected alert

functions such as vibration mode or visual signals on a display, which reads on claimed

"first and second alert devices", while the said broadcast system information is being

detected, comprising:

- detecting, as disclosed in column 3 lines 20-33, step comprises processing

  incoming broadcast system information to extract, thereby detecting the

  presence of the said mode change information locally by a base station, which

  reads on claimed "emitter", and a generating means, as disclosed in column 4

  lines 1-9, generates a mode change information, which reads on claimed "control

  signal", at its output when the said broadcast system information is detected;

- a control means, which reads on claimed "switch", operatively connected, see

  FIGURE 3, to automatically direct the said detected mode changing information

  to a predetermined on of the said pre-selected alert functions such as vibration

  mode or visual signals on a display while the said broadcast system information

  is being detected, wherein the said mobile terminal operates free of any

  communications back to the said base station. See column 5 lines 50-65.

- Weber also discloses in column 9 lines 47-67 of a method wherein the step of

  changing the mode of the mobile terminal, which reads on claimed "shunting the

  acoustic driver", continues for a period of time after a said broadcast mode

  change information signal is no longer present. Weber teaches that in "other

  areas" a mode change information signal is broadcasted only once, at an

  entrance of a building for example; yet, the mode of the said mobile terminal is

  maintained for a period of time despite the fact that the said mobile terminal is

not receiving the mode change information signal. ***The Examiner would like to***

further explain that it is interpreted that the "continued period of time" the

reads on the premise that the contents in the said memory is maintained

despite the presence of the said control signal.

However, Weber fails to clearly disclose where

- a processor is operatively connected to the output of the detector;

- an alert-mode memory cell storing one of a default binary value and a user –set

  binary value;

- a buffer memory connected to the processor and configured to store a

  predetermined one of two values therein in response to the control signal when

  the squelch signal is detected;

- a switch, operatively connected to automatically direct the alert signal as a

  function of the binary value stored in the buffer memory.

Sawanda discloses in FIGURE 2 and column 9 lines 38-65, where a CPU, which reads

on claimed "processor", is operatively connected to the output of a detector.

- a said present and user–specified table (22a, 22b), which reads on claimed "alert

  mode memory cell", storing one of a default binary value and a user–set binary

  value. See column 10 lines 16-35;

- a said Random Access Memory (RAM) connected to the said CPU and

  configured to store a predetermined one of two values therein in response to the

  control signal when the squelch signal is detected and also configured to store

the contents of the said present and user-specified table (22a, 22b). See

column 12 lines 1-60;

- the changes in modes are performed as a function of the binary value stored in

  the said RAM. See columns 11 and 1 lines 60-67 lines 1-20, respectively.

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the teaching of Weber et al (U.S. Patent Number

6,343,212) to include Sawanda (U.S. Patent Number 6,421,544 B1) in order to

incorporate a said RAM to store the dynamic binary values use to regulate the mode of

the said device. Additionally, the combination also provides a means for the system to

maintain a specific mode of operation for the said mobile terminal despite the presence

of a said control signal.

Regarding **claim 22,** as the above combination of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the

combination according to **claim 13,** further detailing Sawanda disclosing a circuit

configured to populate the said RAM with the contents of the said present and user-

specified table. Weber disclose in column 9 lines 47-67 of "other areas" a mode change

information signal is broadcasted only once, at an entrance of a building for example;

yet, the mode of the said mobile terminal is maintained for a period of time despite the

fact that the said mobile terminal is not receiving the mode change information signal.

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the teaching of Weber et al (U.S. Patent Number

6,343,212) to include Sawanda (U.S. Patent Number 6,421,544 B1) in order to incorporate a said RAM to store the dynamic binary values use to regulate the mode of the said device. Additionally, the combination also provides a means for the system to maintain a specific mode of operation for the said mobile terminal despite the presence of a said control signal.

Regarding *claim 23*, as the above combination of Weber et al (U.S. Patent Number 6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the combination according to *claim 13*, further details Sawanda disclosing a software program stored in the ROM, which executed in the said CPU so as to populate the said RAM with the contents of the said present and user-specified table. See column 10 lines 3-9.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teaching of Weber et al (U.S. Patent Number 6,343,212) to include Sawanda (U.S. Patent Number 6,421,544 B1) in order to incorporate a said RAM to store the dynamic binary values use to regulate the mode of the said device.

Regarding *claim 24*, as the above combination of Weber et al (U.S. Patent Number 6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the combination according to *claim 13*, further detailing Sawanda disclosing wherein the

said RAM is configured to store within its tables either a "1" or "0". See column 10 line

16, lines 24-25.

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the teaching of Weber et al (U.S. Patent Number

6,343,212) to include Sawanda (U.S. Patent Number 6,421,544 B1) in order to

incorporate a said RAM to store the dynamic binary values use to regulate the mode of

the said device.

Regarding *claim 25*, Weber et al discloses, as referenced in column 4 lines 1-9, that in

a mobile terminal, which reads on claimed "device", that alerts a user to an incoming

message, e.g. call, by activating a acoustic driver, e.g. ringer/speaker and a vibrator, as

stated in columns 4 and 10 lines 1-9 lines 22-35, respectfully, a method for changing the

mode of a mobile terminal by turning the ringer off, lowering the volume, or placing the

said mobile terminal in vibration mode, which reads on claimed "shunting the acoustic

driver", comprising the step of:

- detecting the presence of broadcast system information, which reads on claimed

  "broadcast squelch signal", by monitoring the said broadcast system information

  that arrive at the said mobile terminal from a base station, which reads on

  claimed "emitter". See column 2 lines 50-63.

- detecting, as disclosed in column 3 lines 20-33, step comprises processing

  incoming broadcast system information to extract, thereby detecting the

  presence of the said mode change information locally by a base station, which

reads on claimed "emitter", and a generating means, as disclosed in column 4
lines 1-9, generates a mode change information, which reads on claimed "control
signal", at its output when the said broadcast system information is detected;

- Weber teaches that in "other areas" a mode change information signal is
  broadcasted only once, at an entrance of a building for example; yet, the mode of
  the said mobile terminal is maintained for a period of time despite the fact that
  the said mobile terminal is not receiving the mode change information signal.
  ***The Examiner would like to further explain that it is interpreted that the
  "continued period of time" the reads on the premise that the contents in
  the said memory is maintained in the said memory despite the presence of
  the said control signal.***

However, Weber does not disclose where writing to the buffer memory the first
binary value which signifies the quiet mode of operation in response to the said control
signal and controlling the state of the alert mode switch based on the contents of the
buffer memory, so as to energize the vibrator in response to the incoming message
when the binary value in the buffer memory is the first binary value. In addition, an
alert-mode memory cell storing one of a default binary value and a user –set binary
value;

Sawanda teaches in column 8 lines 45-59 of a control signal used to manage the
operation modes of the said device when a broadcast signal is detected;

- writing to a Random Access Memory (RAM), consisting of a present and a user-
  specified table, which reads on claimed "buffer memory", a first binary value,

which signifies the quiet mode of operation in response to the said control signal.

See columns 9 and 10 lines 46-67 lines 1-35;

- controlling the state of the alert mode switch based on the contents of the RAM,

  so as to alert the user, which reads on claimed "energize the vibrator" in

  response to the incoming message when the binary value in the said RAM is the

  first binary value. See column 12 lines 1-27;

- a said present and user–specified table (22a, 22b), which reads on claimed "alert

  mode memory cell", storing one of a default binary value and a user–set binary

  value. See column 10 lines 16-35;

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the teaching of Weber et al (U.S. Patent Number

6,343,212) to include Sawanda (U.S. Patent Number 6,421,544 B1) in order to activate

the said alert mode according to the stored binary value located in the said RAM after a

detection of a broadcast signal is received. Additionally, the combination also provides a

means for the system to maintain a specific mode of operation for the said mobile

terminal despite the presence of a said control signal by maintaining the said user set

value in the said memory for a period of time.

Regarding *claim 26,* as the above combination of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the

combination according to *claim 25,* further detailing Sawanda including an additional

step of writing a second binary value which is different from that of the fist binary value

to the said RAM, wherein the state of the alert mode is set so as to activate the acoustic

drive in response to the incoming message. See columns 10 and 12 lines 10-34 lines

1-27, respectively.

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the teaching of Weber et al (U.S. Patent Number

6,343,212) to include Sawanda (U.S. Patent Number 6,421,544 B1) in order to

incorporate a said RAM to store the dynamic binary values use to regulate the mode of

the said device.

Regarding *claim 27,* as the above combination of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the

combination according to *claim 25,* further detailing Weber et al disclosing a method

wherein the said broadcast system information originates extrinsic to the said mobile

terminal. See FIGURE 5.

Regarding *claim 28,* as the above combination of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the

combination according to *claim 25,* further detailing Weber et al disclosing a method

wherein the detecting step comprises a processing of signals, which reads on claimed

"comparing incoming signals", depending on the structure of the signal and determining

whether the signal is audible, data or a mode of change signal when the presence of a

said broadcast system information is detected. See column 6 lines 37-46.

Regarding *claim 29,* as the above combination of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the

combination according to *claim 25,* further detailing Weber et al disclosing a method

wherein the detecting step comprises processing incoming broadcast system

information to extract, when present, the indication, which reads on claimed "indicium"

(Latin term for "indication"), of the presence of the said mode change information

contained in the said broadcast system information thereby detecting the presence of

the said mode change information. See column 3 lines 20-33.

Regarding *claim 30,* as the above combination of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the

combination according to *claim 25,* Weber et al disclosing a method including an

additional step of changing the mode of the mobile terminal, which reads on claimed

"shunting the acoustic driver", for a predetermined period of time after the said

broadcast system information is detected. See column 9 lines 47-67.

Regarding *claim 31,* as the above combination of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the

combination according to *claim 30,* further detailing Weber et al disclosing in column 9

lines 47-67 of a method wherein the step of changing the mode of the mobile terminal,

which reads on claimed "shunting the acoustic driver", continues for a period of time

after a said broadcast mode change information signal is no longer present. Weber

teaches that in "other areas" a mode change information signal is broadcasted only

once, at an entrance of a building for example; yet, the mode of the said mobile terminal

is maintained for a period of time despite the fact that the said mobile terminal is not

receiving the mode change information signal.

Regarding *claim 33,* as the above combination of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the

combination according to *claim 25,* further detailing Sawanda disclosing wherein the

said RAM is configured to store within its tables either a "1" or "0". See column 10 line

16, lines 24-25.

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the teaching of Weber et al (U.S. Patent Number

6,343,212) to include Sawanda (U.S. Patent Number 6,421,544 B1) in order to

incorporate a said RAM to store the dynamic binary values use to regulate the mode of

the said device.

2.   *Claim 32* is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber

et al (U.S. Patent Number 6,343,212) and Sawanda (U.S. Patent Number 6,421,544

B1) as applied to *claim 25* above, and further in view of Huang et al. (U.S. Patent

Number 5,448,569).

Regarding *claim 32*, as the above combination of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) are made, the

combination according to *claim 25,* fails to disclose wherein the detection step monitor

a header of the incoming signal for the inclusion of the broadcast squelch signal.

Huang et al. discloses in column 5 lines 14-17, where a said device monitors the

header of the transmitted signal from the base station.

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the teaching of Weber et al (U.S. Patent Number

6,343,212) and Sawanda (U.S. Patent Number 6,421,544 B1) to further include Huang

et al. (U.S. Patent Number 5,448,569) in order to denote that the said device will receive

the information in the header of the broadcast signal that will cause the said device to

enter the mode contained in the said RAM.

Response to Arguments

Applicant's arguments with respect to *claims 13 and 22-33* have been

considered but are moot.

Regarding *claims 13 and 25*, Weber et al discloses, as referenced in column 4 lines 1-

9, that in a mobile terminal, which reads on claimed "device", that alerts a user to an

incoming message, e.g. call, by activating a acoustic driver, e.g. ringer/speaker and, a

method for changing the mode of a mobile terminal by turning the ringer off, lowering

the volume, or placing the said mobile terminal in vibration mode, which reads on

claimed "shunting the acoustic driver", comprising the step of:

- detecting the presence of broadcast system information, which reads on claimed

  "broadcast squelch signal", by monitoring the said broadcast system information

  that arrive at the said mobile terminal from a base station, which reads on

  claimed "emitter". See column 2 lines 50-63.

However, the Examiner will conclude that the reference does not clearly express the

amended fact of writing a "binary value" to a memory.

The inclusion of the cited reference Sawanda clearly, and expressly discloses the

amended methodology cited by the applicant.

Sawanda teaches of a control signal operable to cause the binary values to be written to

a said RAM once a broadcast signal is detected. Furthermore, Sawanda continues to

disclose controlling the state of the alert mode switch based on the contents of the

RAM, so as to alert the user, which reads on claimed "energize the vibrator" in response

to the incoming message when the binary value in the said RAM is the first binary value.

See column 12 lines 1-27.

The Applicant argues that the cited references fails to teach wherein during the

absences of a signal, the said memory stores the contents of the said alert mode

memory in the absence of a said signal. The Examiner would like to further explain the

interpreted position wherein the "continued period of time" the reads on the premise that

the contents in the said memory is maintained despite the presence of the said control

signal. The information in the said buffer memory is maintained with the said alert mode

contents in order to maintain the said mobile terminal's mode of operation.

Therefore, *claims 13 and 22-33* stand rejected as set forth in the above rejection

based on the combination of Weber et al (U.S. Patent Number 6,343,212) in view of

Sawanda (U.S. Patent Number 6,421,544 B1).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Randy Peaches whose telephone number is (703) 305-

8993. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax

phone number for the organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

February 22, 2005
Randy Peaches

CHARLES APPIAH
PRIMARY EXAMINER